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Express Mail No.: EV 832910061 US

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number: 10/731,316  
Applicants: John Favuzzi, Benno Guggenheimer, Jeff Rau, Marc Key, Robert Lathrop, Rosanne Welcher  
Filed: December 8, 2003  
Title: Method and Apparatus for Pretreatment of Tissue Slides  
  
TC/A.U: 1743  
Examiner: Jill Alice Warden  
Assignee: Dako Denmark A/S  
Attorney Docket: DakoCyto Destiny-PreTreat  
Customer No. 33549

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**LETTER OF TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed with this correspondence are the following documents:

1. Submission of Information Disclosure Statement pursuant to 37 CFR 1.97 (b)(3);
2. Information Disclosure Statement pursuant to 37 CFR §1.97(b)(3) and copies of foreign references and other documents cited;
3. This Letter of Transmittal; and
4. A Certificate of Express Mailing for each document and a return receipt post card.

I have this 11 day of October, 2006, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Please confirm receipt of the documents by applying your date stamp on the enclosed postcard and returning it to me.

Dated this 11 day of October, 2006.

Respectfully Submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Rensue  
Nicole A. Rensue  
Attorney for Assignee  
USPTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100



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**SUBMISSION OF INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. 1.97(b)(3)**

The applicant respectfully requests consideration of the attached Information Disclosure Statement. Pursuant to 37 C.F.R. 1.97(b)(3), no fee is required.

In accordance with 37 C.F.R. §1.97(b)(3), this Information Disclosure Statement is filed before the mailing date of a first office action on the merits (to the Applicant's best knowledge). As a means of complying with the duty of disclosure set forth in 37 C.F.R. §§1.56, 1.97, and 1.98, the following information may be material to the examination of the referenced application. Pursuant to 37 C.F.R. Section 1.97(g), this Information Disclosure Statement should not be construed as a representation that a search has been made. Additionally, pursuant to 37 C.F.R. §1.97(h) the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is or is considered to be material to patentability as defined in 37 C.F.R. 1.56(b). A copy of each item listed under Foreign References and Other Documents is enclosed.

Dated this 17 day of October, 2006.

Respectfully submitted,  
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Rissue  
Nicole A. Rissue  
Attorney for Assignee  
USPTO No. 48,665  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100



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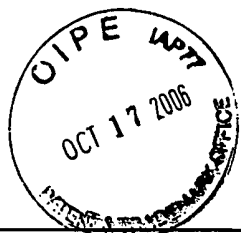
**CERTIFICATE OF EXPRESS MAILING**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Submission of Information Disclosure Statement pursuant to 37 CFR 1.97 (b)(3); Information Disclosure Statement Pursuant to 37 CFR §1.97(b)(3) and copies of foreign references and other documents cited; Letter of Transmittal; and return post card with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 17 day of October, 2006.

  
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Cheryl A. Swanson



Express Mail No. EV 832910061 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	APPLICATION NO:	10/731,316
	FILING DATE:	December 8, 2003
	FIRST NAMED	John Favuzzi
	ART UNIT:	1743
	EXAMINER NAME:	Jill Alice Warden
	DOCKET NO:	DakoCyto Destiny-PreTreat

# I. US PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO. & KIND CODE (if known)	PATENTEE OR APPLICANT	PUBLICATION/ISSUE DATE mm/dd/yyyy	Pages, Columns, Lines Where Relevant Passages Or Relevant Drawings Appear
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## II. FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	Foreign Patent Document Country Code, Number, Kind Code (if known)	PATENTEE OR APPLICANT NAME	PUB'N DATE mm- dd-yyyy	TRANSLATION	
				Yes	No
	EP 0285851 A2	Fuji Photo Film Co., Ltd.	10/12/1988		
	EP 0290018 A2	Abbott Laboratories	11/9/1988		
	FR 2239167	Ministere de L'Agriculture, Service Veterinaire	7/26/1973		
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	WO 2005/084263 A2	Dako Denmark A/S	9/15/2005		
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### III. OTHER REFERENCES

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	CHOW et al., "Application of Existing Technology to Meet Increasing Demands for Automated Sample Handling," Clinical Chemistry, 36(9):1579-1582, 1990.
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	International Preliminary Examination Report, P145WO01, International Application No. PCT/US03/40520 filed December 19, 2003, mailing date March 27, 2006
	International Preliminary Examination Report, P145WO01, International Application No. PCT/US03/40520 filed December 19, 2003, mailing date May 31, 2005
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	United States District Court, District of Arizona, CV03-92 TUC-RCC, Ventana Medical vs Biogenix Laboratories Reporter's Transcript of Proceedings (Markman Hearing) before Honorable Raner C. Collins, August 11, 2005.
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	United States District Court, District of Arizona, Ventana v. Cytologix, CIV 02117 TUC (RCC) Plaintiff's Memorandum in Support of Petition for Temporary Restraining Order and Permanent Injunction filed March 2002
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	United States District Court, District of Arizona, Ventana v. Cytologix, CIV 02117 TUC(WDB) Defendant's Surreply in Opposition to Plaintiff's Motion for Preliminary Injunctive Relief filed July 2002
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	United States District Court, District of Delaware, Ventana v. Dakocytomation California, CIV041522 (GMS) Order Construing the Terms of U.S. Patent No. 6,827,901 dated December 13, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Declaration of Richard Wydeven in Support of Plaintiff's Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 7, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant Ventana Medical Systems, Inc.'s Memorandum in Opposition to Vision's Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 21, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant Ventana Medical Systems, Inc.'s Statement of Material Facts in Dispute, in Opposition to Vision's Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 21, 2005

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	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Memorandum and Order filed September 30, 2004
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Plaintiff's Memorandum in Support of its Motion for Summary Judgment of Noninfringement Based on Collateral Estoppel, filed October 7, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Plaintiff's motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel filed October 7, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Plaintiff's Statement of Undisputed Facts in Support of its Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 7, 2005
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	United States District Court, Eastern District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant's Statement of Undisputed Material Facts, in Support of its Cross-Motion for Summary Judgment of Infringement of the 861 Patent filed January 2004
	United States nonprovisional Application No. 07/488,601, "Automated Biological Reaction Apparatus" filed March 02, 1990
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	United States Provisional Application No. 60/487,998, "An Interface Point Server," filed July 17, 2003, 52 pages.
	US Patent Application Number 10/054,535, Entitled Automated Biological Reaction Apparatus, now Patent number 6,943,029 , the entire wrapper

EXAMINER:	DATE CONSIDERED
EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	